

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

JUL 20 2018

Clerk, U.S. District Court
District Of Montana
Great Falls

UNITED STATES OF AMERICA,

CR-11-25-GF-BMM

Plaintiff,

vs.

ORDER

CHRISTOPHER ALLAN STEINER,

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 28, 2018. (Doc. 76.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 26, 2018. (Doc. 73.) Steiner admitted that he violated the conditions of his supervised release. (Doc. 76 at 1.) Steiner violated the conditions of his supervised released by (1) using a controlled substance; (2) possessing a controlled substance; (3) failing to abide by

location monitoring; and (4) failing to participate in substance abuse testing by attempting to manipulate the test. *Id.* at 6. Steiner denied that he failed to participate in substance abuse testing on May 22, 2018, and June 12, 2018. *Id.* at 3. The United States did not present any evidence of these allegations. *Id.* at 4.

Judge Johnston has recommended that the Court revoke Steiner's supervised release. *Id.* at 5. Judge Johnston has recommended Steiner should be sentenced to six months in custody followed by a period of supervised release of twenty-four months. *Id.* Judge Johnston recommends upon release Steiner shall undergo a chemical dependency evaluation, and shall participate in treatment as directed by the United States Probation Office. *Id.* Judge Johnston further recommends that the first 180 days of his supervised release should be spent in a Residential Re-Entry Center, if he proves eligible and as directed by the United States Probation Office. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Steiner's violations of his conditions represent a serious breach of the Court's trust. A sentence of six months custody, followed by a period of supervised release of twenty-four months, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 76) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Christopher Allan Steiner be sentenced to six months custody, followed by a period of supervised release of twenty-four months.

DATED this 20th day of July, 2018.

A handwritten signature in cursive script, reading "Brian Morris". The signature is written in black ink and is positioned above a horizontal line.

Brian Morris
United States District Court Judge